

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No.79429

Barry R. Devore
Patti D. Devore

1213 Orems Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 11, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302; 13-7-310, 312; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, failure to cease open dump, failure to eliminate rodent infestation on residential property zoned DR 5.5 known as 1213 Orems Road, 21220.

On July 19, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$800.00 (eight hundred dollars).

The following persons appeared for the Hearing and testified: Barry Devore, Respondent, Harvey and Lisa Hileman and Linda Clark, Neighbors, and, Christina Frink, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 14, 2010 for removal of open dump/junk yard, remove trash and debris, cut and remove tall grass and weeds, cease rat infestation, remove overgrowth behind garage. This Citation was issued on July 19, 2010.

B. Inspector Christina Frink testified that her inspection in June 2010 found overgrown weeds and minor items of junk behind the garage, and multiple rodent holes by the garage. After the property owner failed to comply with the Correction Notice, a contractor was sent to cut and remove the tall grass and weeds, and the contractor stood up buckets and pipes so they would not hold stagnant water, and removed some minor debris. Re-inspection on August 9, 2010 found the ratholes still present and no indication that extermination effort has been taken.

C. Mrs. Lisa Hileman is a neighbor. She testified that she has seen rats running around from the garage area. Mr. Harvey Hileman testified that he has seen the dog next door playing with rats. He used to cut the grass for Respondent's mother, who lives in the house, but he cannot do it now because of back problems.

D. Respondent Barry DeVore testified that his 78 year old mother lives in the house and uses a walker. He testified that the houses back up to the railroad tracks, which run grain trains, and he believes that is the source of the rats. He agreed to take steps to exterminate the rats from the property.

E. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$800.00 (eight hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by September 15, 2010, with inspection confirming that the rats have been exterminated and the burrows are closed; the County may require receipts from a licensed exterminator if it appears that application of bait blocks is not sufficient to exterminate the infestation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.